

# EXHIBIT P

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UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION

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EQUAL EMPLOYMENT : CIVIL ACTION  
OPPORTUNITY :  
COMMISSION, : NO. S02-CV-648  
Plaintiff, :  
: KATHY KOCH,  
: Intervenor/  
: Plaintiff,  
: v.  
: LA WEIGHT LOSS,  
: Defendant(s). :  
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Tuesday, November 22, 2005

Oral deposition of NICOLA FRYER, held at the offices of EEOC, Bourse Building, 21 South 5th Street, Philadelphia, Pennsylvania, on Tuesday, November 22, 2005, beginning at 9:00 a.m., on the above date, before Debra J. Weaver, a Federally Approved RPR, CRR, CSR of NJ (No. XI 01614) and Delaware (No. 138-RPR, Expiration 1/31/08), and a Notary Public of New Jersey, Pennsylvania and Delaware.

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## NICOLA FRYER

<p>1 have helped out with recruiting.  2 Q. Even though she was in the  3 training department?  4 A. Sure.  5 Q. Do you know of any other  6 people in the training department who  7 conducted hiring during your tenure at LA  8 Weight Loss?  9 A. Specifically, no, but it  10 does happen.  11 Q. Is that considered a part of  12 the trainer's job?  13 MR. WETCHLER: Object to the  14 form. Object to lack of  15 foundation. You can answer.  16 BY MR. PHILLIPS:  17 Q. As a part of your job as a  18 human resources manager, are you required  19 to know what the job duties of a trainer  20 are?  21 A. I'm familiar.  22 Q. And specifically with  23 respect to any job duties with respect to  24 recruiting or hiring, are you required in</p>	<p>Page 190</p> <p>1 A. Most recently, you know, if  2 an area supervisor has to go somewhere,  3 for coverage, calls out sick, they may  4 conduct interviews.  5 Q. Have center managers ever  6 conducted hiring at LA Weight Loss?  7 MR. WETCHLER: Object to the  8 form. Object to lack of  9 foundation. You can answer the  10 question.  11 MR. PHILLIPS: Let me go  12 back.  13 BY MR. PHILLIPS:  14 Q. As a human resource manager,  15 is it part of your job duties to know who  16 at LA Weight Loss is participating in the  17 hiring process? Is that part of your job  18 to know that?  19 MR. WETCHLER: Object to the  20 form. You can answer.  21 MR. PHILLIPS: You can  22 answer.  23 THE WITNESS: I am familiar,  24 yes.</p>
<p>1 your job to know what their duties would  2 be in those areas, recruiting and hiring?  3 MR. WETCHLER: Object to the  4 form. You can answer.  5 THE WITNESS: They don't  6 have necessary – to my  7 recollection, they don't have  8 specific responsibilities listed  9 in their job description with  10 regard to that, but, again, they  11 are trained on it. They provide  12 training to all of our employees  13 as they come in the door. They're  14 very familiar with what we're  15 looking for, what the job is.  16 And, they, again, do sometimes  17 help out in the event – it's not  18 their primary responsibility, but  19 they do help out in the event that  20 a circumstance comes up that we  21 need help.  22 BY MR. PHILLIPS:  23 Q. With respect to what  24 functions? Help with respect to what?</p>	<p>Page 191</p> <p>1 BY MR. PHILLIPS:  2 Q. And, again, I'll return to  3 my question. During your tenure at LA  4 Weight Loss, have you known of center  5 managers participating in the hiring  6 process in any way?  7 MR. WETCHLER: Object to  8 form. Object to lack of  9 foundation. You can answer.  10 MR. PHILLIPS: Go ahead.  11 THE WITNESS: There have  12 been discussions with regard to  13 having them be a part of it. And,  14 again, occasionally they will  15 conduct an interview here or there  16 in lieu of an area supervisor or  17 regional manager being available  18 or an emergency coming up. But,  19 typically, I don't recall that we  20 ever implemented a manager  21 recruiting program.  22 BY MR. PHILLIPS:  23 Q. Did managers ever receive  24 training on hiring?</p>